

ATTORNEY REGULATION ADVISORY COMMITTEE

Minutes of:
Wednesday, October 7, 2011
9:30 a.m. to 12:00 p.m.

State Courts Building, 1501 West Washington Street, Phoenix, Arizona
Conference Room 109

MEMBER ATTENDANCE		
PRESENT	TELEPHONICALLY PRESENT	ABSENT
Justice Michael D Ryan (retired)		Hon. William J. O'Neil
Allan Bayham		James Drake, Jr.
George Riemer		
J. Scott Rhodes		
Patricia Sallen		
Pamela Treadwell-Rubin		
John Tuchi		
Benny Click		
Ronald R. Watson		
Emily Johnston		
Maret Vessella		

OTHER ATTENDEES		
AOC STAFF	GUESTS - PUBLIC	
Kathy Curry	Karen Clark	
Emily Holliday		
Deann Barker		

Business Items and Potential Action Items

1	<u>Call to Order</u> Call to order by Justice Michael D Ryan (retired) at 9:35a.m.	Justice Michael D. Ryan (Retired), Chair
2	<u>Review and Approval of August 2011 ARC minutes</u> Motion: Approve the August 31, 2011 ARC minutes First: Alan Bayham Second: Emily Johnston Vote: Passed 11-0 Hon. William J. O’Neil and James Drake, Jr. were absent and did not participate in this vote.	Justice Michael D. Ryan (Retired), Chair
3	<u>Update by Rules Subcommittee</u> Items discussed at length included: Review of the proposed rules changes 1 Language added to state the Chair can rule on motions, do not need the entire committee to convene a. Question was raised: should language be added to read “delegates to the Vice Chair” b. Consensus is that the “delegates” language isn’t practical to include 2 3 person panel – ADPCC unanimously agreed the 3 person panel should be kept as an option for now a. Should include the stipulation that at least 1 public and 1 attorney are on the 3 person panel and they must participate in the vote 3 Quorums – a majority of the quorum must be able to vote and the vote must include at least 1 public and 1 attorney member 4 Rules 52, 53 and 54 were touched on but no discussion ensued 5 In need of further discussion is a. Filing of Committee decision b. Default procedure c. Interim suspension procedure	Justice Michael D. Ryan (Retired), Chair
4	<u>Update by Costs Subcommittee</u> Items discussed at length included:	Pamela Treadwell-Rubin

	<ol style="list-style-type: none"> 1 Discussion of proposed changes to language – specifically the “comment” section of the handout <ol style="list-style-type: none"> a. Proof in writing that respondent offered to consent prior to hearing on the merits b. Disparity between the gravity of the charges filed and the violations found c. Extreme financial hardship d. Enforcement 2 Court frowns on comments; if important to have language added it should be incorporated into the rules 3 Stay – not if stay is requested based on the costs of the discipline proceeding alone 4 At the request of Scott Rhodes, a committee member, Karen Clark, a member of the public, addressed the committee as follows: <ol style="list-style-type: none"> a. States the current costs schedule is “draconian” especially for new attorneys and those in sole practices. b. States Arizona has the second highest costs and fees in the country c. Would like these groups to be able to address the committee before any changes are decided upon d. Emily Holliday stated the Rules petition will be open for public comment e. Pam Treadwell-Rubin stated she has a rough draft of possible language to help address the issues raised by Karen Clark; this will be drafted and distributed to the subcommittee. 	
5	<p><u>Update by Admissions Subcommittee</u></p> <p>Items discussed at length included:</p> <ol style="list-style-type: none"> 1 John Tuchi gave a brief overview of the upcoming Admissions Subcommittee meeting agenda <ol style="list-style-type: none"> a. States they will be reviewing, step by step, the admissions process from start to finish (Exam to Character & Fitness process) b. Next meeting will be November 7, 2011 2 Emily Holliday then gave an update on the UBE process <ol style="list-style-type: none"> a. Rule Petition has been filed, comment period closes November 15, 2011 b. Expects the Court will rule on the petition in December and it would take effect January 1, 2012 c. Currently the UBE scores are good for 37 months, should Arizona change to 5 years since the current exam scores are good for 5 years 	<p>John Tuchi</p> <p>Emily Holliday</p>

	<p>d. Arizona law component: possibly could have a class like the one required for Admission on Motion applicants and give a test at the end of the class</p> <p>e. AOM does not test at the end of the class, UBE could test</p>	
6	<p><u>Additional Issues</u></p> <p>None were presented</p>	
7	<p><u>Call to Public</u></p> <p>Public, Karen Clark, spoke during Agenda Item 4 – Costs Subcommittee update</p>	
8	<p><u>Adjournment</u></p> <p>Justice Ryan adjourns the meeting at 12:00 p.m.</p>	

The Next Meeting of the
Attorney Regulation Advisory Committee
Will be:

Monday December 12, 2011
9:30am - 12:00pm
Arizona State Courts Building
1501 W Washington Street, Suite 109
Phoenix, AZ 85007
602-452-3378